



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



Date: February 17, 2014

To: Thomas J. Bonfield, City Manager
Through: Keith Chadwell, Deputy City Manager
From: Steven L. Medlin, AICP, Planning Director
Subject: Durham-Morrisville Annexation Agreement.

Executive Summary. KKR Developers and the Town of Morrisville are requesting that the City of Durham modify the existing Durham-Morrisville Annexation agreement (See attachment 5, Applicant's Letter). The revised agreement (Attachment 1) and revised boundary map exhibit (Attachment 2) reflect the changes requested by Morrisville and the property owner.

In 1997, the City of Durham and the Town of Morrisville entered into an annexation and utility service area agreement as permitted by state statute. The agreement covers the area of southeastern Durham County and northwestern Wake County where the municipal boundaries of Durham and Morrisville converge. The agreement expires after twenty years, which is the maximum time period stipulated by state law.

The "O'Briant Tract" (see attachment 3) is a 15.26-acre parcel that straddles the Durham-Wake County line and the Durham and Morrisville annexation areas. The current owner of the property is developing a residential subdivision on additional property within Morrisville's jurisdiction. In discussions with the developer about annexation the Durham County portion of the O'Briant Tract into the City of Durham, City staff determined that the property would be difficult to serve with Durham City services, but would be relatively easy to serve with Morrisville Town services. The property owner has requested the proposed change in the annexation area boundary.

The amended annexation agreement has been reviewed by the Departments of Water Management, Public Works, and Finance. No detrimental impacts have been identified to the long-term interests of the City.

The amended annexation agreement (attachment 1) between Durham and Morrisville makes changes to the original 1997 agreement by placing the entirety of the O'Briant Tract in the Morrisville Annexation Area. No other changes to the terms of the agreement or the annexation boundary are proposed.

Recommendation. That the City Council authorize the Mayor to execute the revised Durham-Morrisville Annexation Agreement.

Background. In 1997, the City of Durham and the Town of Morrisville entered into an annexation and utility service area agreement as permitted by state statute. The agreement covers the area of southeastern Durham County and northwestern Wake County where the municipal boundaries of Durham and Morrisville converge. The agreement expires after twenty years, which is the maximum time period stipulated by state law.

Issues. The “O’Briant Tract” (see attachment 3) is a 15.26-acre parcel that straddles the Durham-Wake County line and the Durham and Morrisville annexation areas. The current owner of the property is developing a residential subdivision on additional property within Morrisville’s jurisdiction. The northern part of the parcel

In discussions with the developer about annexation the Durham County portion of the O’Briant Tract into the City of Durham, City staff determined that the property would be difficult to serve with Durham City services, but would be relatively easy to serve with Morrisville Town services for the following reasons:

- Because the northernmost portion of the property, adjacent to the Durham city limit, is bisected by a stream, a street connection to Distribution Drive would be potentially expensive and have negative environmental impacts.
- Without a street connection to the north, any City of Durham service vehicles would need to travel through approximately 1,600 feet of Morrisville to reach this site.
- Additionally, a pump station would be required to serve the property with City sewer and would only serve this single tract.

If the O’Briant tract were to remain in Durham’s annexation area, it would likely remain undeveloped due to the expense of the stream crossing and pump station.

Alternatives. Council can choose to:

1. Not approve the revised Durham-Morrisville Annexation Agreement. The existing agreement would then expire in 2017 and the Durham County portion of the O’Briant tract would remain in the City of Durham annexation area; or
2. Approve the revised Agreement with modifications to the conditions proposed.

Fiscal Impact. There is no known fiscal impact.

SDBE Impact. There is no known SBDE impact.

Attachments

Attachment 1, Durham-Morrisville Annexation Agreement

Attachment 2, Annexation Agreement Exhibit

Attachment 3, O'Briant Tract Context Map

Attachment 4, Ordinance

Attachment 5, Applicant's Letter

